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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,519	04/30/2001	Edward Louis Wellner	00-mAE2-326	3386

7590

08/06/2003

Marvin L. Union
Eaton Corporation
Eaton Center
1111 Superior Avenue
Cleveland, OH 44114-2584

EXAMINER

DONOVAN, LINCOLN D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/845,519

Applicant(s)
Wellner et al.

Examiner
Lincoln Donovan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 22, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 and 25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 9 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9 and 25 (applicant's newly submitted claim 21 renumbered 25 under rule 1.126) rejected under 35 U.S.C. 103(a) as being unpatentable over Krasser et al. [US 6,040,747] in view of Yu [US 6,307,460] and Ellenberger [US 3,456,225].

Krasser et al. discloses an overcurrent circuit breaker [figure 8] comprising:

- a housing [1];
- a pair of separable contacts [13, 16, 17] mounted within the housing;
- an operating mechanism [20] for opening and closing the separable contacts;
- first and second terminals [7, 8] connected with the separable contacts;
- an electrically conductive support mechanism [38, figure 4] mounted in the housing; and
- a bimetal [56, figure 7] assembly responsive to selected conditions of current flowing through the separable contacts for actuating the operating mechanism to trip open the separable contacts, the bimetal assembly having first and second legs [57, 58] and an a free intermediate section

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[62] which deflects in response to the selected conditions of current to actuate the operating mechanism with the first leg [58] being electrically connected to the support mechanism, the second leg being electrically connected to one of the contacts and the second leg being electrically connected to the first terminal and the support mechanism electrically interconnected to one of the contacts.

Krasser et al. disclose the instant claimed invention except for: the specific connection arrangement of the bimetal to the contacts and terminals and the contact being electrically connected to the operating mechanism.

Yu discloses a bimetal assembly [figure 1] having a pair of legs wherein one of which is connected to a terminal and the other is connected to a contact support.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the design of Yu with the bimetal assembly design of Krasser et al., for the purpose of facilitating terminal mounting.

Ellenberger discloses a push-button actuator [figure 1] having a contact arm [16] carried by and electrically connected to an operating mechanism [figure 2].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the contact arm connection design of Ellenberger with Krasser et al., as modified, as suggested by Ellenberger, for the purpose of providing quicker response time to a fault condition.

Allowable Subject Matter

3. Claims 10-12 are allowed.

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Response to Arguments

4. Applicant's arguments with respect to claims 9-12 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

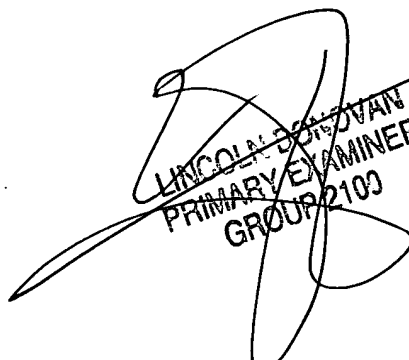
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0956.

LDD

July 29, 2003


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2103